

October 5, 1998

DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 5, 1998
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, the following proclamations and resolutions were read by the Mayor: "Mighty Eighth Air Force Week"; "Prayer and Fast Month"; "Domestic Violence Awareness Month"; "Resolution Honoring Elna B. Spaulding"; and a "Resolution Recognizing the 100th Anniversary of North Carolina Mutual Life Insurance Company."

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell noted the consultant was prepared this evening to present the report on the Southwest Durham Traffic Study.

SUBJECT: SOUTHWEST DURHAM TRAFFIC STUDY

To receive the consultant's report on the *Southwest Durham Traffic Study*.

Donald Bryson, representing Parsons Transportation Group, Inc., briefed the council on the purpose of the traffic study; the findings; recommendations and implementation.

MOTION by Council Member Larson seconded by Council Member Miller to receive the consultant's report on the Southwest Durham Traffic Study and to refer the report to the Public Works Committee was approved at 8:24 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

City Attorney Blinder requested a closed session after the regular business of council to discuss litigation [Smith Chapel and Fletchers Chapel] vs. City of Durham.

MOTION by Council Member Miller seconded by Council Member Larson to go into closed session after the regular business of council to

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discuss pending litigation was approved at 8:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There were no priority items from the City Clerk.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Council Member McKissick requested that Consent Item 5 be pulled. Mayor Pro Tempore Clement requested that Consent Item 6 be pulled.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: ACCEPTANCE OF DONATION FROM NEW DURHAM II - EQUIPMENT AND SUPPLIES

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to accept equipment and supplies with an estimated value of \$46,500 donated by New Durham II was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SEWER BACK-UP CLAIM - 802 ALPHA DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to pay a sewer back-up claim not to exceed a total of \$17,000 for damages incurred at 802 Alpha Drive was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CERTIFICATES OF PARTICIPATION SERIES 1998 REFUNDING - NEW DURHAM CORPORATION

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MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution of the City of Durham Approving an Amendment to an Installment Purchase Contract with New Durham Corporation and Related Matters" was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Resolution #8497

SUBJECT: CONTRACT WITH CONSTRUTECH, INC. FOR DURHAM AREA TRANSIT AUTHORITY (DATA) DOWNTOWN TERMINAL IMPROVEMENTS

MOTION by Council Member Larson seconded by Council Member Miller to award a construction contract to Construtech, Inc. for improvements to the DATA downtown terminal and to authorize the City Manager to execute the contract with Construtech, Inc. in an amount not to exceed \$234,225 was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: FISCAL YEAR 1998-99 SUBRECIPIENT AGREEMENT - DURHAM COMMUNITY LAND TRUSTEES

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Subrecipient Agreement between the City of Durham and Durham Community Land Trustees in an amount not to exceed \$62,000; and

To amend the West Chapel Hill Street Facade Improvement Program Guidelines as follows was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- a. To include the 500-1200 block of West Chapel Hill Street, the 1400-1600 block of Morehead Avenue, and the 1700-2000 block of Chapel Hill Road; and
- b. To end acceptance of grant applications on June 30, 1999 and complete all grant funded work by December 31, 1999

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SUBJECT: FISCAL YEAR 1998-99 SUBRECIPIENT AGREEMENT - DEVELOPMENT VENTURES, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Subrecipient Agreement between the City of Durham and Development Ventures, Inc. for an amount not to exceed \$187,000 was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SECOND TOWER PROJECT

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the Second Tower Project; and

To set a public hearing on Monday, November 2, 1998 at 7:30 p.m. to receive citizens' comments on the proposed Second Tower Project was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DISPUTE SETTLEMENT RESOLUTION

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution by the City Council of the City of Durham Authorizing the Charge of \$2,500.00 to the Contingency Account of the General Fund and a Credit of \$2,500.00 to the Nondepartmental Account" for costs associated with dispute settlement of zoning-related issues--City Manager to develop a policy for the distribution of these funds was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Resolution #8498

SUBJECT: RESOLUTION TO RECOMMEND AND ENCOURAGE EMPLOYEES OF THE CITY OF DURHAM TO RESIDE WITHIN THE CITY OF DURHAM

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution to Recommend and Encourage Employees of the City of Durham to Reside Within the City of Durham" and to refer

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to the Administration for investigation a residency requirement for certain upper level employees of the City of Durham was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Resolution #8499

SUBJECT: TRIANGLE TRANSIT AUTHORITY - CITY APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Miller to direct the City Clerk to advertise for a City-appointment position on the Triangle Transit Authority for a term to expire November 30, 2001 was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING CLAIBORNE TAPP, JR.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Memorializing Claiborne Tapp, Jr." was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Resolution #8500

SUBJECT: DURHAM CITY-COUNTY PLANNING DEPARTMENTAL WORK PROGRAM

MOTION by Council Member Larson seconded by Council Member Miller to approve the Fiscal Year 1998-1999 Work Program for Durham City-County Planning Department which was prepared in tandem with the FY 1998-99 budget and in conformance with the provisions of the Interlocal Agreement--with the understanding that the City Manager may need to alter the plan from time to time was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - RUBY TUESDAY RESTAURANT

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MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for Ruby Tuesday Restaurant, submitted by the John R. McAdams Company, Inc. consisting of a 4,959 square-foot restaurant proposed on 1.36 acres, zoned SC(D), F/J-B and MTC, and located on the north side of NC Highway 54, west of Fayetteville Road and east of Rollingwood Drive within the Southpoint Crossing Shopping Center (Tax Map #524-01-04) was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - LINCOLN PARK WEST - BUILDING 204

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for Lincoln Park West - Building 204, submitted by Philip Post & Associates, consisting of a 59,620 square-foot warehouse building proposed on 5 acres, zoned I-2, and located east of Presidential Drive, and north of T. W. Alexander Drive (Tax Map #577A-1-21, 22, 23) was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PRESENTATION OF THE *Southeast Durham Plan - Final Draft*

MOTION by Council Member Larson seconded by Council Member Miller to receive a presentation on the Southeast Durham Plan - Final Draft was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED ACQUISITION OF PROPERTY LOCATED AT 107 AND 109 BROADWAY STREET - GLENDALE AVENUE AND OLD FIVE POINTS REVITALIZATION - PROPERTY OF JACQUELINE R. PEARCE AND ZALPH A ROCHELLE

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of land and improvements located at 107 and 109 Broadway Street, Tax Map 61-05-18 and 19, property of Jacqueline R. Pearce and Zalph A. Rochelle, for \$65,000 was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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SUBJECT: CONTINUATION OF THE JOINT FUNDING AGREEMENT FOR WATER RESOURCES INVESTIGATIONS WITH THE U. S. GEOLOGICAL SURVEY

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Joint Funding Agreement with the U. S. Geological Survey in the amount of \$66,435 for research conducted in the Treyburn Development Area and for monitoring of the inflows to the City's water supply reservoirs was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION THANKING CECIL A. BROWN

MOTION by Council Member Larson seconded by Council Member Miller to direct the City Clerk to prepare a resolution thanking Cecil A. Brown for a job well done was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED WAREHOUSE ACQUISITION, 303 SOUTH DUKE STREET

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of property located at 303 South Duke Street, Tax Map 39, Block 1, Lots 1 and 6, for \$120,000 for use as the police warehouse, in accordance with the lease and option to purchase agreement approved by the City Council on October 4, 1993 was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGN - FIELDSTONE SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Foxlair Court at Wilderness Road, northwest corner was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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Ordinance #11579

SUBJECT: STOP SIGNS - HOPE VALLEY FARMS

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Wiltshire Place at Juliette Drive, southeast corner
- 2) Tinsbury Place at Wiltshire Place, northeast corner

Ordinance #11580

SUBJECT: STOP SIGN - VALLEY DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Valley Drive at Sanderson Drive, southeast corner was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11581

SUBJECT: TWENTY-FIVE MILE HOUR SPEED LIMIT - CARLISLE DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a 25 mile per hour speed limit on Carlisle Drive beginning at the west curb line of St. Mark's Road, if extended, and extending westward to Northampton Road was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11582

SUBJECT: ONE-HOUR PARKING - MARKET STREET

- a. **MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to rescind Ordinance #9712

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adopted October 19, 1992 establishing 30 minute parking between the hours of 7:00 a.m. and 6:00 p.m. at the following locations was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) On the west side of Market Street in the area beginning at a point 30 feet south of the south curb line of Chapel Hill Street, if extended, and extending for a distance of 210 feet southwardly; and
- 2) On the east side of Market Street in the area beginning at a point 25 feet north of the north curb line of Parrish Street, if extended, and extending for a distance of 90 feet northwardly.

Ordinance #11583

- b. **MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a one-hour parking zone between the hours of 7:00 a.m. and 6:00 p.m. at the following locations was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) On the west side of Market Street in the area beginning at a point 30 feet south of the south curb line of Chapel Hill Street, if extended, and extending for a distance of 210 feet southwardly;
- 2) On the east side of Market Street in the area beginning at a point 25 feet north of the north curb line of Parrish Street, if extended, and extending for a distance of 90 feet northwardly.

Ordinance #11584

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the official minutes of the regular City Council Meetings of Tuesday, September 8, 1998 and Monday, September 21, 1998 was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members

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Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: PROPOSED SALE OF OLD CITY GARAGE PROPERTY LOCATED AT 501 WASHINGTON STREET - HISTORIC PRESERVATION SOCIETY OF DURHAM, INC.

Assistant City Manager John Pedersen provided information to council on the financial impact relative to the proposed sale of the old city garage.

The following citizens spoke in support of this item: Pat Harris; Bill Kalkhof; John Mallard; Dr. Denise Barnes; Dr. Curt Eshelman; Allen Wilcox; Joel Kostyu; Denny Clark; Henry Scherich; and Mike Schiflett.

Council Members Cox and McKissick raised concern with the proposed sale of the old city garage.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute an Option to sell the Old City Garage property located at 501 Washington Street to the Historic Preservation Society of Durham, Inc. at a sale price of \$200,000; and

To authorize the City Manager to make minor changes to the Option as he may deem necessary and appropriate provided such changes do not increase the sales price, affect the duration of the Option, or otherwise materially affect the intent and purpose of the Option; and

To approve the sale of the Old City Garage property located at 501 Washington Street for a sale price of \$200,000 under the terms of the Option agreement and in accordance with the private negotiation and sale procedures for architecturally and historically significant property of NCGS 160A-266 and 121-35, and contingent upon approval by the City Council of a lease for temporary replacement facilities; and

To authorize the Mayor to execute the deed of sale in accordance with the Option agreement, which deed shall include a preservation agreement in accordance with NCGS 121-35 was approved at 9:31 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: Council Members Cox and McKissick. Absent: None.

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**SUBJECT: PROPOSED COMMERCIAL LEASE WITH JLH INVESTMENTS, INC. -
516 RIGSBEE AVENUE AND 213 AND 219 BROADWAY STREET**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a two-year lease with JLH Investments, Inc. in the amount of \$10,000 per month for the properties located at 516 Rigsbee Avenue and 213 and 219 Broadway Street; and

To authorize the City Manager to make minor changes to the lease as he may deem necessary and appropriate provided such changes do not increase the rent, affect the duration of the lease, or otherwise materially affect the intent and purpose of the lease was approved at 9:31 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: Council Members Cox and McKissick. Absent: None.

SUBJECT: ABC PERMIT - CONVENIENCE STORE AT 1224A FAYETTEVILLE STREET

Police Chief Chambers provided information to council on the number of calls for service in the 1200 block of Fayetteville Street and at 1224A Fayetteville Street.

Alex G. Wahone, the applicant, spoke in support of receiving a permanent ABC permit for his establishment located at 1224A Fayetteville Street.

Chris Tiffany spoke in support of Mr. Wahone receiving a permanent ABC permit.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to direct the City Manager to send a letter, on behalf of the Durham City Council, to the Alcoholic Beverage Control Commission notifying the Commission of Council's objection to the issuance of a permanent ABC Permit to the establishment located at 1224A Fayetteville Street was approved at 10:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: Council Members Burnette, Cox and McKissick. Absent: None.

SUBJECT: DURHAM HOUSING AUTHORITY - NOMINATION

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To nominate a citizen to fill one vacancy on the Durham Housing Authority for a five-year term to expire September 28, 2003.

Ballots were distributed to the council. The City Clerk announced that Pamela Denise Parker received 5 votes; Willie Hatch received 4 votes; and James McClean received 4 votes.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Cox to appoint Pamela Denise Parker to fill one vacancy on the Durham Housing Authority for a five-year term to expire September 28, 2003 was approved at 10:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Members Blyth, Brown and Engelhard. Absent: None.

[ITEMS PULLED FROM THE CONSENT AGENDA]

SUBJECT: CAROLINA THEATRE MANAGEMENT SERVICES AGREEMENT

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into an agreement with the Carolina Theatre of Durham, Inc. for the provision of management services at the Carolina Theatre; and

To authorize the City Manager to make changes to the Agreement, provided such changes do not increase the basic management fee or materially reduce the Carolina Theatre's obligations was approved at 10:04 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: REPORT CONCERNING MERGER OF CITY/COUNTY INFORMATION SYSTEMS

To receive a report from the Administration concerning the merger of City/County Information Systems.

A motion was made by Mayor Pro Tempore Clement to refer this item to the Public Works Committee for additional consideration. This motion was seconded by Council Member Griffin.

SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the merger of City/County Information Systems was approved at 10:05 p.m. by the following vote: Ayes: Mayor

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Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.
Noes: Mayor Pro Tempore Clement. Absent: None.

There being no further business to come before the Council, the meeting was adjourned into closed session.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk